

REMARKS/ARGUMENTS

In response to the Examiner's Office Action of January 13, 2010 issued in relation to the present Patent Application, the Applicant submits Amendments to the claims, and the below Remarks.

Claims 8, 9, 33, 34, 48-50, 52, 53, 57 and 59-60 are presented for examination. Claims 57 and 59 are independent claims.

Regarding Claim Objections

Claims 57 and 59 are objected to because of informalities.

Claims 57 and 59 have been appropriately amended.

Regarding 35 USC 112 Rejection

Claims 8, 9, 33, 34, 48-50, 52, 53, 57 and 59-60 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 57 and 59 have been amended to define that the description is retrieved from a database using the product item identifier.

Claims 57 and 59 have also been amended to substitute "provider" and "provider address" with "server" and "server address" respectively. Even though the "provider" is the manufacturer of the product item in the preferred embodiment, the invention is not so limited.

Claims 57 and 59 have also been amended to define the entity performing each of the steps.

Regarding 35 USC 102 Rejections

Claims 8, 9, 33, 34, 48-50, 52, 53, 57 and 59-60 are rejected under 35 USC 102(b) as being anticipated by Philyaw (US 6,708,208).

Philyaw only teaches that the bar code 2502 disposed on the product is coded with information that is unique to the product. Philyaw fails to teach receiving sensing data which includes position information of the sensed coded data portion.

Philyaw also fails to teach mapping position information to a communication request since Philyaw fails to teach any position information. Philyaw teaches looking up an URL based on the code, and the code is taught to encode information that is unique to the product.

Philyaw also fails to teach receiving a message and a destination address, sending the message and destination address to the server address determined using the product item identifier, and forwarding, by the server, the message to the destination address.

Each element of the claimed invention is not disclosed by Philyaw, which means the 35 USC 102 rejection has been overcome.

CONCLUSION

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s: 

Kia Silverbrook


Paul Lapstun

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: patentdept@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762